

Appendix G

Historical and Statutory Notes: Coast Guard Academy

Circa 1876

The original statute established the cadet program in the Revenue Marine Service. Two sections were identified in the statute: “Expenses of revenue cutter service”, and “Cadets may be appointed”. The following citation was taken from 19 Stat, 107, Chapter 246, dated July 31, 1876:

“For the pay of captains, lieutenants, engineers, and pilots, ad for rations for the same, and for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same, and for fuel for vessels, repairs and outfits for same, ships chandlery and engineers’ stores for same, traveling expenses for officers traveling on duty under orders from the Treasury Department, commutation of quarters, and contingent expenses including wharfage, towage, dockage, freight, advertising, surveys, and miscellaneous expenses which cannot be includes under special heads, seven hundred and forty-seven thousand six hundred and forty-seven dollars and nineteen cents, in addition to one hundred and twenty-seven thousand tow hundred and forty-three dollars and ninety-one cents, being the unexpended balance of the appropriation for the same purpose for the service of the fiscal year eighteen hundred and seventy-four, which is hereby continued and rendered available for the year ending June thirtieth, eighteen hundred and seventy-seven: *Provided*, That hereafter upon the occurring of a vacancy in the grade of third lieutenant in the Revenue Marine Service, the Secretary of the Treasury may appoint a cadet, not less than eighteen nor more than twenty-five years of age, with rank next below that of third lieutenant, whose pay shall be three-fourths that of a third lieutenant, and who shall not be appointed to a higher grade until he shall have served a satisfactory probationary term of two years and passed the examination required by the regulation of said service; and upon the promotion of such cadet another may be appointed in this stead; but the whole number of third lieutenants and cadets shall at no time exceed the number of third lieutenants now authorized by law.”

Circa 1926

A 1926 Statute, 44 Stat, 816 dated July 3, 1926, gives the Secretary of the Treasury authority to determine cadetship requirements. Section 6 states:

“That on and after the dated of the passage of this Act the number of cadets in the Coast Guard shall be such as the Secretary of the Treasury may from time to time determine as necessary for the needs of the service. Appointment to cadetships shall be made under regulations prescribed by the Secretary of the Treasury, who shall determine age limits, methods of selection of applicants, and all other matters affecting such appointments. Cadets shall service two years, three years, or four years, as the Secretary of the Treasury may determine from time to time in accordance with the needs of the service, before being eligible to be commissioned as ensigns.”

Current Statutes

14 USC 181 and 182 address Coast Guard Academy particulars, as follows:

CITE 14 USC Sec. 181

01/26/98

EXPCITE TITLE 14 - COAST GUARD

PART I - REGULAR COAST GUARD

CHAPTER 9 - COAST GUARD ACADEMY

TEXT Sec. 181. Administration of Academy

The immediate government and military command of the Coast Guard Academy shall be in the Superintendent of the Academy, subject to the direction of the Commandant under the general supervision of the Secretary. The Commandant may select a superintendent from the active list of the Coast Guard who shall serve in the pleasure of the Commandant.

SOURCE (Aug. 4, 1949, ch. 393, 63 Stat. 508.)

HISTORICAL AND REVISION NOTES

This section does not change the present method of administration of the Academy. It makes statutory what has been administrative regulation heretofore, and it is believed highly desirable to make the control of an institution of such national interest as the Academy the subject of a statute. This section is new. There is no provision in existing law which establishes the Academy and sets it up as an operating unit. Nor is there any provision which creates the office of Superintendent of the Academy, or prescribes his duties and functions. Heretofore this has been accomplished by regulations, and the laws which deal with the Academy assume its existence as a going institution and assume the existence of the Superintendent with certain defined functions and duties. This section continues the Academy as previously established, provides for the appointment of the Superintendent by the Commandant, and defines in general terms his functions. The Academy would thus be placed on a definite statutory basis, and the office of Superintendent would be a statutory position, but the present administration of the Academy would in no way be interfered with. 81st Congress, House Report No.557.

CITE 14 USC Sec. 181a

01/26/98

EXPCITE TITLE 14 - COAST GUARD

PART I - REGULAR COAST GUARD

CHAPTER 9 - COAST GUARD ACADEMY

TEXT Sec. 181a. Cadet applicants; preappointment travel to Academy The Secretary is authorized to expend appropriated funds for selective preappointment travel to the Academy for orientation visits of cadet applicants.

SOURCE (Added Pub. L. 98-557, Sec. 24(a), Oct. 30, 1984, 98 Stat. 2872.)

CITE 14 USC Sec. 182

01/26/98

EXPCITE TITLE 14 - COAST GUARD

PART I - REGULAR COAST GUARD

CHAPTER 9 - COAST GUARD ACADEMY

TEXT Sec. 182. Cadets; number, appointment, obligation to serve

(a) The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred.

Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicant's term of service as a cadet before graduation, and all other matters affecting such appointments. All such appointments shall be made without regard to the sex, race, color, or religious beliefs of an applicant. In the

administration of this chapter, the Secretary shall take such action as may be necessary and appropriate to insure that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals. The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

(b) Each cadet shall sign an agreement with respect to the cadet's length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

(2) That upon graduation from the Coast Guard Academy the cadet-

(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet -

(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

(c)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (b). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (b) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

(d) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include -

(1) standards for determining what constitutes, for the purpose of subsection (c), a breach of an agreement under subsection (b);

(2) procedures for determining whether such a breach has occurred; and

(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (c).

(e) In this section, "commissioned service obligation", with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as

a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

(f)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (b) only with the consent of the parent or guardian.

SOURCE (Aug. 4, 1949, ch. 393, 63 Stat. 508; Mar. 3, 1964, Pub. L. 88-276, Sec. 5(b), 78 Stat. 153; June 9, 1966, Pub. L. 89-444, Sec. 1(8), 80 Stat. 195; June 12, 1970, Pub. L. 91-278, Sec. 1(4), 84 Stat. 304; Oct. 21, 1976, Pub. L. 94-572, Sec. 1, 90 Stat. 2708; Oct. 12, 1982, Pub. L. 97-295, Sec. 2(8), 96 Stat. 1302; Sept. 28, 1988, Pub. L. 100-448, Sec. 12, 102 Stat. 1843.)

NOTES HISTORICAL AND REVISION NOTES

Based on the proviso under the heading "Revenue Cutter Service" of act Feb. 25, 1903, ch. 755, 32 Stat. 869, and on title 14, U.S.C., 1946 ed., Sec. 15, 15a-1, 25 (June 23, 1906, ch. 3520, Sec. 2, 34 Stat. 452; Jan. 28, 1915, ch. 20, Sec. 1, 38 Stat. 800; July 3, 1926, ch. 742, Sec. 6, 44 Stat. 816; July 30, 1937, ch. 545, Sec. 5, 50 Stat. 549; May 25, 1943, ch. 99, 57 Stat. 84). Section 15 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with clothing allowance for cadets is placed in section 183 of this title and the other parts are incorporated with the proviso of title 14, U.S.C., 1946 ed., Sec. 15a-1 to form this section. Section 15a-1 of title 14, U.S.C., 1946 ed., has been divided. That part dealing with the appointment of cadets to the grade of ensign is placed in section 185 of this title, and the proviso is placed in this section. The length of term of service as a cadet prior to graduation is added to the list of matters specifically determined by the Secretary. The period of required service after graduation is increased from 3 to 4 years, to attain uniformity with the other service academies. 81st Congress, House Report No. 557.

AMENDMENTS

1988 - Subsec. (a). Pub. L. 100-448, Sec. 12(1), struck out before last sentence "Previous to his admission each cadet shall obligate himself, in such manner as the Secretary shall prescribe, to complete the course of instruction at the Coast Guard Academy and to serve at least five years as an officer in the Coast Guard after graduation, if his service be so long required. "Subsecs. (b) to (f). Pub. L. 100-448, Sec. 12(2), added subsecs. (b) to (f) and struck out former subsec. (b) which read as follows: "A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years."

1982 - Subsec. (b). Pub. L. 97-295 struck out "United States Code," after "title 10,".

1976 - Subsec. (a). Pub. L. 94-572 inserted provisions for nondiscriminatory appointment of cadets to the Coast Guard Academy.

1970 - Pub. L. 91-278 substituted "six hundred" for "four hundred" in first sentence, required each cadet to obligate himself to complete the course of instruction at the Academy, designated existing provisions as subsec. (a), and added subsec.

(b).

1966 - Pub. L. 89-444 substituted "four hundred" for "three hundred" in first sentence.

1964 - Pub. L. 88-276 substituted "five" for "four" in fourth sentence.

EFFECTIVE DATE OF 1964 AMENDMENT; OBLIGATED PERIOD OF SERVICE

Amendment by Pub. L. 88-276 effective only with respect to cadets and midshipmen appointed to the service academies and the Coast Guard Academy after Mar. 3, 1964, see section 5(c) of Pub. L. 88-276, set out as a note under section 4348 of Title 10, Armed Forces.

CROSSREF

CROSS REFERENCES

Conduct unbecoming an officer and gentleman as offense, see section 933 of Title 10, Armed Forces.

Dismissal by court-martial, review by board of review, see section 866 of Title 10.

Expenses when absent from vessel or assigned to shore patrol duty, see section 510 of this title.

Military Justice Code, cadets subject to, see section 802 of Title 10, Armed Forces.

Pay and allowances, see sections 201, 422 of Title 37, Pay and Allowances of the Uniformed Services.

Summary courts-martial, jurisdiction to try, see section 820 of Title 10, Armed Forces.

Travel and transportation allowances, see section 410 of Title

37, Pay and Allowances of the Uniformed Services.

SECREf

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 195 of this title.